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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,103	04/08/2004	Doug Levinson	TPIP038	8971
27777	7590	09/11/2006	EXAMINER	
PHILIP S. JOHNSON JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA NEW BRUNSWICK, NJ 08933-7003			FOSTER, CHRISTINE E	
			ART UNIT	PAPER NUMBER
			1641	

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/821,103      4/8/04      LEVINSON, DOUGLAS      TPIPO38

EXAMINER

FOSTER, C.

ART UNIT      PAPER

1641      20060821

DATE MAILED:

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Commissioner for Patents

The amendment filed on 8/16/06 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because elected claims 1-19 were directed to a method of producing a composition comprising a protein antigen, while newly presented claims 31-32 are directed to a method of producing new conformational variants.

Newly presented claims 31-32 are directed to a related process. The related inventions are distinct if the inventions as claimed do not overlap in scope, i.e., are mutually exclusive; the inventions as claimed are not obvious variants; and the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect. See MPEP § 806.05(j). In the instant case, the inventions do not overlap in scope and differ with respect to mode of operation, function, and effect. Original claims 1-19 were drawn to a method of producing a composition comprising a protein antigen and included the step of identifying a sample comprising a conformational variant capable of stimulating the production of neutralizing antibodies, which is not a limitation of newly presented claims 31-32. The new claims are drawn to a method of producing new conformational variants and include the steps of providing a target protein to a multiwell plate and of denaturing and refolding the protein, which are not limitations of original claims 1-19.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

LONG V. LE

08/31/2006

SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600